

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Mahmoud KHALIL,

Petitioner,

v.

Donald J. TRUMP, in his official capacity as President of the United States; William P. JOYCE, in his official capacity as Acting Field Office Director of New York, Immigration and Customs Enforcement; Yolanda PITTMAN, in her official capacity as Warden of Elizabeth Contract Detention Facility; Caleb VITELLO, Acting Director, U.S. Immigration and Customs Enforcement; Kristi NOEM, in her official capacity as Secretary of the United States Department of Homeland Security; Marco RUBIO, in his official capacity as Secretary of State; and Pamela BONDI, in her official capacity as Attorney General, U.S. Department of Justice,

Respondents.

Case No. 25-cv-01963
(MEF-MAH)

**DECLARATION OF
MOLLY K.C. LINHORST**

I, Molly K.C. Linhorst, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct to the best of my knowledge.

1. I am an attorney at the American Civil Liberties Union of New Jersey Foundation, and co-counsel for Petitioner.
2. Attached hereto, at the exhibits listed below, are true and correct copies of the following materials:
 - A. Attached as **Exhibit A** is The Complaint and Petition for Writ of Habeas Corpus, filed as ECF 1 in *Yunseo Chung v. Trump et al.*, No. 1:25-cv-02412-NRB, before the Southern District of New York.
 - B. Attached as **Exhibit B** is the Declaration of attorney Nayantara Bhushan,

dated March 23, 2025, filed as ECF 9-13 in *Yunseo Chung v. Trump et al.*, No. 1:25-cv-02412-NRB, before the Southern District of New York.

C. Attached as **Exhibit C** is the First Amended Petition for Writ of Habeas Corpus and Complaint, dated March 28, 2025, filed as ECF 12 in *Rümeysa Öztürk v. Trump et al.*, No. 1:25-cv-10695-DJC, before the District of Massachusetts.

D. Attached as **Exhibit D** is a transcript of Secretary of State Marco Rubio's remarks during a joint news conference with Guyanese President Irfaan Ali on March 27, 2025. The transcript is also available at <https://perma.cc/EDN2-RYFP>. The transcript at pages 6–8, which reflects a back-and-forth exchange between a reporter and the Secretary of State, where he is asked about the arrest of Rümeysa Öztürk as well as the administration's recent revocation of visas, is excerpted below:

- QUESTION: Hello, Mr. President. Thank you for taking questions from us. We appreciate it. Humeyra Pamuk from Reuters. Mr. Secretary, a Turkish student in Boston was detained and handcuffed on the street by plainclothes agents. A year ago she wrote an opinion piece about the Gaza war. Could you help us understand what the specific action she took led to her visa being revoked? And what was your State Department's role in that process?
- SECRETARY RUBIO: We revoked her visa. It's an F1 visa, I believe. We revoked it, and here's why – and I'll say it again; I've said it everywhere. Let me be abundantly clear, okay. If you go apply for a visa right now anywhere in the world – let me just send this message out – if you apply for a visa to enter the United States and be a student and you tell us that the reason why you're coming to the United States is not just because you want to write op-eds, but because you want to participate in movements that are involved in doing things like vandalizing universities, harassing students, taking over buildings, creating a ruckus, we're not going to give you a visa. If you lie to us and get a visa and then enter the United States and with that visa participate in that sort of activity, we're going to take away your visa. Now, once you've lost your visa, you're no longer legally in the United States, and we have a right, like every country in the world has a right, to remove you from our country. So it's just that simple. ...
- QUESTION: Could you confirm – there's new reporting that 300 visas

- State Department has revoked 300 (inaudible).
- SECRETARY RUBIO: Maybe more. It might be more than 300 at this point. We do it every day. Every time I find one of these lunatics, I take away their visa.
- QUESTION: It could – you’re saying it could be more than 300 visas?
- SECRETARY RUBIO: Sure. I hope – I mean, at some point I hope we run out because we’ve gotten rid of all of them. But we’re looking every day for these lunatics that are tearing things up. And by the way, we want to get rid of gang members, too....

E. Attached as **Exhibit E** is the Petition for Writ of Habeas Corpus and Complaint, dated March 18, 2025, filed as ECF 1 in *Badar Khan Suri v. Trump et al.*, No. 1:25-cv-480, before the Eastern District of Virginia, Alexandria Division.

F. Attached as **Exhibit F** is the Complaint, dated March 15, 2025, filed as ECF 1 in *Momodou Taal et al., v. Trump et al.*, No. 3:25-cv-00335-ECC-ML, before the Northern District of New York.

G. Attached as **Exhibit G** is the Complaint, dated March 25, 2025, filed as ECF 1 in *American Association of University Professors, et al., v. Rubio et al.*, No. 1:25-cv-10685-WGY, before the District of Massachusetts.

H. Attached as **Exhibit H** is an article by Marc Caputo published by *Axios* on March 6, 2025, entitled “Scoop: State Dept. to use AI to revoke visas of foreign students who appear ‘pro-Hamas.’” The article is also available at <https://perma.cc/N5XX-3UVD>. Citing an unnamed Senior State Department official, the article reports, “if officials find a social media post from a foreign national that appears to endorse the attack on Israel and looks ‘pro-Hamas,’ the official said, that could be grounds for visa revocation.”

I. Attached as **Exhibit I** is an article by Marc Caputo published by *Axios* on March 27, 2025, entitled “Trump’s ‘pro-Hamas’ purge could block foreign students from colleges.” The article is available at <https://perma.cc/Q687-6GC4>. The article quotes a Senior Justice Department official as saying:

- What you’re going to see in the not-too-distant future is the universities that we can show that were not doing anything to stop these demonstrations in support of Hamas — or encouraged enrollment by

activists — ... we can stop approving student visas for them, and they can no longer admit foreign students.

- The way that this looks ... is a grand jury subpoena goes to a university, a very broad subpoena” which would include “any information that they know about students who have actively participated in violent protests.

J. Attached as **Exhibit J** is an article by Prem Thakker published by *Zeteo* on March 29, 2025, entitled “SCOOP: ICE Revoking Students’ Immigration Statuses Without Their or the University’s Knowledge.” The article is available at <https://perma.cc/WCR3-BB7J>. Excerpts from the article are provided below:

- According to documentation seen by Zeteo and interviews with university officials, the administration is deploying the rarely-used risk-to-foreign-policy immigration provision they used to detain Mahmoud Khalil to now target students across the country.
- University officials say that targeted students hail from the Middle East and Muslim-majority countries. They’ve also reported inconsistent notification patterns: some students have been informed about the revocations by the government, some have not; some only found out after officials manually checked internal visa status databases – while universities and officials themselves have mostly seemed to not be informed by the government.
- Three university officials, who were given anonymity so they could speak freely, across the country report that, in recent days, student residency statuses in the Student and Exchange Visitor Information System – SEVIS, a database where residency statuses of foreign students are managed – are being changed without their knowledge.

K. Attached as **Exhibit K** is an article by Sanya Mansoor published by *The Cut* on March 26, 2025, entitled “Will ICE Come to My Dorm Today? International students who protested Israel’s war in Gaza Grapple with Trump’s crackdown.” The article is also available at <https://perma.cc/7SB2-LALD>. The reporter interviewed noncitizens who are “wrestling with how to criticize the U.S.’s continued military support of Israel without jeopardizing their visa status.” Some reported they are “pull[ing] back from sharing personal political opinions on social media,” while others reported that they no longer attend demonstrations in person.

L. Attached as **Exhibit L** is an article Alina Das published by the Knight First Amendment Institute at Columbia University on February 12, 2025, titled “Protecting Immigrant Activists From U.S. Government Retaliation: Lessons From First Amendment Litigation.” The article is also available at <https://perma.cc/WB7S-QL6B>.

M. Attached as **Exhibit M** is a transcript of Secretary of State Marco Rubio’s remarks to the press while en route to Miami, Florida, on March 28, 2025. This transcript is also available at <https://perma.cc/JUU8-GDQK>.

N. Attached as **Exhibit N** is a transcript of Secretary of State Marco Rubio’s remarks to the press on March 12, 2025, from Shannon, Ireland. This transcript is also available at <https://perma.cc/3Q5E-WB6C>.

O. Attached as **Exhibit O** is a tweet by Secretary of State Marco Rubio on X (formerly Twitter) dated March 15, 2025, 11:02 a.m. The tweet is also available at <https://perma.cc/84SC-S387>. Secretary Rubio states: “Very simple. President Trump isn’t Biden. If you are coming to U.S. to join pro-terror riots we will deny you a visa. And if you do that after lying your way into our country we will cancel your visa & send you home.”

P. Attached as **Exhibit P** is a transcript of an interview of Secretary of State Marco Rubio on “Face the Nation with Margaret Brennan” dated March 16, 2025. This transcript is also available at <https://perma.cc/2DY7-SRC4>.

Q. Attached as **Exhibit Q** is a transcript of an interview of Secretary of State Marco Rubio by Hugh Hewitt conducted via teleconference and dated March 19, 2025. This transcript is also available at <https://perma.cc/D52U-8K9K>.

R. Attached as **Exhibit R** is a transcript of Secretary of State Marco Rubio’s remarks during a joint press availability with Jamaican Prime Minister Andrew Holness on March 26, 2025. The transcript is also available at <https://perma.cc/5X4E-JX3U>. At page 16 of this transcript, Secretary Rubio is quoted saying:

- If you had told us that was – if you told us, I’m going to America not just to study at your university but to tear up your campus, we would have never let you in. And if you do that once you come into the United States, we’re going to kick you out. We’re going to do that. And I don’t care – I don’t care what terrorist organization you’re supporting, we’re going to kick you out. If you’re a gang member, we’re going to kick you out, okay? If you’re one of these violent gang members that’s coming to the United

States, then we're going to kick you out. That we're going to do. There's no doubt about it. But that, the President's very committed to that. And – but if you're a green card holder and you're not any of these things, you're going to be fine.

- S. Attached as **Exhibit S** is a transcript of Secretary of State Marco Rubio's remarks during a joint press availability with Surinamese President Chandrikapersad Santokhi on March 27, 2025. The transcript is also available at <https://perma.cc/FRK6-9ZAE>.
3. In addition to the above-referenced exhibits, I am providing links to the following recordings, which do not have readily available transcripts that can be attached as physical exhibits, but are provided herein for ease of reference:
 - A. A recording of an interview with Leo Terrell – Senior Counsel to the Assistant Attorney General for Civil Rights and head of the “Task Force to Combat Anti-Semitism” – appearing on Fox News on March 10, 2025. The full recording is available at <https://perma.cc/9UNS-CVVP>. In this interview, responding to a question about Mahmoud Khalil’s arrest and other related questions, Terrell states:
 - It’s the beginning of a series of big victories.
 - This arrest of this individual is an indication and should serve as a deterrent. The Trump Administration is not going to allow individuals on a student visa, with a green card, to commit antisemitic behavior on our college campuses.
 - I want these individuals who are practicing antisemitic behavior, if you are an individual on a student visa, you’re not an American citizen, you’re a foreign national, and you can expect deportation proceedings or revocation of your right to attend a prestigious university...
 - B. A recording dated March 13, 2025, of Vice President J.D. Vance interviewed by Laura Ingraham in The Ingraham Angle on Fox News. The recording is available at <https://perma.cc/8F7H-V6BR>. Between 2:50 and 4:10 timestamp in this video, the following exchange takes place:
 - Vice President JD Vance: Well, if it was an American citizen, it would be a different conversation ...but Laura, a green card holder, even if I might like that green card holder, doesn’t have an indefinite right to be in the

United States of America my attitude on this is, this is not fundamentally about free speech, and to me, yes it's about national security, but it's also more importantly about who do we, as an American public, decide gets to join our national community, and if the Secretary of State and the President decide that this person shouldn't be in America and they have no legal right to stay here, it's as simple as that.

- Laura Ingraham: Do you see more such deportations happening?
- JD Vance: I think we'll certainly see some people who get deported on student visas if we determine that they don't—it's not in the best interests of the United States to have them in our country so yeah, I don't know how high that number's gonna be, but you're gonna see more people.

Dated: April 6, 2025
New York, NY

Respectfully submitted,

/s/ Molly K.C. Linhorst
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